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SOUTH SAN FRANCISCO CA 94080

In re Application of:
Andya et al.
Serial No.: 09/705,457
Filed: November 2, 2000
Attorney Docket No.: P0998D3

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on April 8, 2005, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status.

A review of the file history shows that the examiner mailed an Office action to applicants on August 8, 2004, setting a three-month statutory time period for reply. As the six months statutory period for response is up, this application is technically abandoned.

Applicants' state that the Office action of August 8, 2004 was never received and provides as evidence thereof a copy of the attorney docket reports where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the application is restored to pending status with the mailing date of this decision.

Applicant's petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel for
Jasmine Chambers
Director, Technology Center 1600

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